

Chapter 9 - Chemical Disposition

1.0 Introduction

This chapter identifies and consolidates user safety and health requirements found in Federal Regulations and national standards that address the disposition (see def.) of **excess chemicals**¹ (see def.), including reutilization until final disposal² (see def.) as waste. Direct requirements for disposition are found in the Department of Energy Property Management Regulations (DOE-PMR), Federal Property Management Regulations (FPMR), and Federal Management Regulations (FMR). This chapter specifically consolidates requirements found in the Department of Energy Personal Property Letter (DOE-PPL) 970-3, 41 Code of Federal Regulations (CFR) 109 (Subchapter H), 41CFR101 (Subchapter H), 41CFR102 Parts 36 and 37, and National Fire Protection Association (NFPA) code 45. State and local codes and requirements are NOT included.

This document is intended only to consolidate existing chemical-related safety and health requirements, including those that overlap or are duplicative. This document does NOT create any new or additional requirements. The listing of consolidated requirements that follows includes “pointers” to the sources of those requirements, permitting the user to track what the requirements are and where each comes from.

2.0 Applicability

This chapter applies to DOE contractors and field organizations that are involved in the utilization and disposition of chemicals and chemical products. It does not cover requirements related to chemical storage (refer to Chapter 5 of this document), transportation (refer to Chapter 4 of this document), or waste operations, including the identification, storage, handling, transportation, and disposal of waste.

[NOTE: Throughout this document, the term “chemicals” is used to indicate chemicals and/or chemical products. For purposes of this document, the terms, “personal property” and “property”, as used in the property management regulations, mean chemicals and/or chemical products, unless otherwise specified.]

This chapter addresses the disposition of chemicals belonging to any of the following categories under DOE-PMR, FPMR or FMR, namely, high risk personal property (see def.), hazardous property (see def.), hazardous materials (see def.), extremely hazardous materials (see def.), dangerous property (see def.), and certain categories of property (see def.) that require special handling. Nuclear materials and radiological materials are excluded from the scope of this chapter.

¹ DOE offices and designated contractors are responsible [41 CFR 109-43.101, 41CFR102-36.35, 41CFR102-36.45(e)] for identifying chemicals that are no longer needed at DOE facilities as “excess chemicals” and for making them available to other potential users on site, returning them to the vendor (when practical and economical), or for exploring other avenues of reutilization off-site. The following disposition options may be available to an excess chemical in the prescribed order: screening for utilization at other DOE sites; transfers to other federal agencies; donations, via state government agencies, to approved non-profit organizations; or sales to the public (e.g., competitive bid sales or auctions).

The Department of Energy Property Management Regulations (41CFR109), Federal Property Management Regulations (41CFR101) and Federal Management Regulations (41CFR102) govern potential off-site reutilization pathways for excess chemicals. Any surplus chemicals (see def.), remaining after the above disposition routes have been exhausted, should be disposed of under applicable environmental regulations. For certain chemicals (e.g., ethylene glycol, anti-freeze solutions, precious metals) recycling and recovery exist as appropriate options. Pesticides and certain products containing chemicals, including those meeting the OSHA (see def.) Hazard Communication Standard definition of an “article” (29CFR1910.1200(c)) (such as batteries and fluorescent lamps), are potential candidates for regulation as “Universal Waste” (see def.) (40CFR 273).

² Unused surplus chemicals at the end of the disposition cycle are “commercial chemical products” and do not become solid waste (40CFR260) unless they are discarded, abandoned or disposed of.

Among the ten categories of high risk personal property, only excess chemicals identified as hazardous property, export controlled property (see def.), and proliferation-sensitive property (see def.) are within the scope of this chapter.

The DOE-PMR (41CFR109) implements and supplements the FPMR (41CFR101) issued by the General Services Administration (GSA) and will supercede the FPMR in the event of a deviation affecting the DOE's personal property management program. The FPMR and DOE-PMR apply to all direct operations and to designated contractors. The DOE-PMR does not apply to facilities and activities conducted under Executive Order 12344, "Naval Nuclear Propulsion Program" (February 1, 1982) and Public Law 98-525, "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1985".

The FMR (41CFR102) is the successor regulation to the FPMR and it applies to executive agencies such as DOE, unless otherwise extended to Federal agencies in specific parts of the CFR.

3.0 Definitions and Acronyms for Purposes of this Document

Abandon: leave in place

Certain Categories of Property (that Require Special Handling): Specific types of hazardous property, the disposition of which is described in 41CFR109-42.11 and 41CFR101-42.1102, such as Radioactively or chemically contaminated property, Asbestos, Polychlorinated biphenyls (PCBs), Controlled substances, Nuclear Regulatory Commission (NRC)-controlled materials, Drugs and reagents other than controlled substances, Lead-containing paint, U.S. **Munitions List** (see def.) that require **demilitarization** (see def.), etc.

CFR: Code of Federal Regulations

Chemical: Any element, compound or mixture of elements and/or compounds. A substance that a) possesses hazardous properties (including, but not limited to flammability, toxicity, corrosivity, reactivity); b) is included on any federal, state, or local agency list of regulated chemicals; or c) is associated with Material Safety Data Sheets (MSDSs). For purposes of this document this definition shall also apply to **chemical products** (see def.).

Chemical Product: A mixture of any combination of two or more chemicals that may or may not be the result, in whole or in part, of a chemical reaction, and that itself has hazardous properties. Chemical products include materials such as paints, lubricants, cleaning agents, fuels, etc. that have MSDSs associated with them.

Commerce Control List Items³: Dual use (i.e., commercial/military) items that are subject to export control by the Bureau of Export Administration, Department of Commerce. These items have been identified in the U.S. Export Administration Regulations (15 CFR 774) as export controlled for reasons of national security, crime control, technology transfer and scarcity of materials.

Dangerous Property: Material that exists in a condition to pose a hazard to public health or safety and thus, requires special care and handling.

Demilitarization: As defined by the Department of Defense, the act of destroying the military capabilities inherent in certain types of equipment or material. Such destruction may include deep sea dumping, mutilation, cutting, crushing, scrapping, melting, burning, or alteration so as to prevent the further use of the item for its originally intended purpose.

³ The Commerce Control List includes deuterium, heavy water, other compounds of deuterium; nuclear-grade graphite; chemical agents (e.g., tear gas formulation, smoke bombs, and other pyrotechnic articles) having dual military and commercial use; propellants and constituent chemicals (e.g., fine powders of high-purity aluminum, beryllium, iron, magnesium, zirconium, boron or boron carbide); guanidine nitrate; liquid oxidizers (e.g., dinitrogen trioxide, nitrogen dioxide/ dinitrogen tetroxide, dinitrogen pentoxide); certain alloys and polymer composites; high purity (99.99% or greater) bismuth; hafnium metal and alloys (>60% Hf); helium-3; chlorine trifluoride; precursors for toxic chemical agents, etc.

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Disposal: The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

Disposition: The process of reutilizing, transferring, donating, selling, abandoning, destroying, or other disposition of Federal government-owned personal property (i.e., chemicals and chemical products).

DOD: U.S. Department of Defense

DOE: U.S. Department of Energy

DOE Screening Period: The period of time that reportable **excess chemicals** (see def.) are screened throughout the DOE complex for reutilization purposes.

DOE-PMR: Department of Energy Property Management Regulations, 41CFR109

Donee: Any of the eligible entities that receive Federal surplus personal property (i.e., chemicals) through a **State Agency for Surplus Property** (see def.), for example, a **public agency** (see def.), a nonprofit tax-exempt educational or public health institution, or a State or local government agency.

DOT: U.S. Department of Transportation

DPMO: Departmental Property Management Officer; also designated as the DOE National Utilization Officer who provides approval for user access to the **Federal Disposal System (FEDS)** (see def.)

Dual-use List⁴: A list of nuclear-related material, equipment, software, and related technology, that can have valid uses in both commercial and military applications, developed by the **Nuclear Supplier Group** (see def.) and described in the International Atomic Energy Agency (IAEA) Information Circular (INFCIRC) 254 Part 2.

EADS: Energy Asset Disposal System, a module within the **Federal Disposal System (FEDS)** (see def.) database, available to DOE and DOE contractor personnel to conduct internal screening of excess chemicals for use within the agency; it became effective Sept. 1, 1998. [NOTE: EADS has replaced the Reportable Excess Automated Property System (REAPS) mentioned in 41CFR109-43.304-1.50.]

EPA: U.S. Environmental Protection Agency

Especially Designed or Prepared Property: Equipment and material designed or prepared especially for use in the nuclear fuel cycle and described in the **Nuclear Suppliers Group** (see def.) **Trigger List** (see def.) (INFCIRC 254 Part 1). A category under high risk personal property (see def.).

Excess Chemicals: **Chemicals** (see def.) or **chemical products** (see def.) that are still in good condition and for which the current owner has no further use. This does not include spent/used material. [NOTE: This term is used in DOE-PMR and FPMR to mean chemicals that are excess to a **holding agency** (e.g., DOE) (see def.) that can only be reutilized within the same agency or by another federal agency]. It includes chemicals identified as high-risk personal property, hazardous property, hazardous materials, extremely hazardous materials, hazardous items, and certain categories of property that require special handling (see defs.).

Excess (Personal) Property: Any personal property under the control of any Federal agency (for purposes of this document, DOE) that is no longer required for that agency's needs, as determined by the agency head or designee.

⁴ The Dual-use List includes several metals (e.g., beryllium, and zirconium) and their alloys, and certain high explosives.

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Export Controlled Property: Property, the export of which, is subject to licensing by the U.S. Department of Commerce, the U.S. Department of State, the U.S. Nuclear Regulatory Commission, or is authorized by the U.S. Department of Energy. A category under high risk personal property (see def.). Refer to the **Commerce Control List** (see def.) for items that are export controlled.

Extremely Hazardous Materials: (a) Those materials that are hazardous to the extent that they generally require special handling such as licensing and training of handlers, protective clothing, and special containers and storage; (b) Those materials that, because of their extreme flammability, toxicity, corrosivity or other perilous qualities, could constitute an immediate danger or threat to life and property and that usually have specialized uses under controlled conditions; and (c) Those materials that have been determined by the **holding agency** (see def.) to endanger public health or safety or the environment, if not rendered innocuous before release to other agencies or to the general public.

Federal Disposal System (FEDS): A real-time, online computer database managed by the GSA (since 1992) for recording, tracking and controlling the nationwide inventory of excess and surplus personal property inventory (e.g., equipment, commodities, including chemicals) of the Federal government. For additional information on using FEDS, access <http://pub.fss.gsa.gov/property/>.

FMR: Federal Management Regulation, (Title 41, Subtitle C), 41 CFR 102.

FPMR: Federal Property Management Regulations, (Title 41, Subtitle C), 41 CFR 101 to 200.

Friable Asbestos Materials: Materials that contain more than one percent asbestos by weight and that can, by hand pressure, be crumbled, pulverized, or reduced to powder, thus allowing for potential release of asbestos fibers into the air.

FSC: Federal Supply Classification (as described in the Federal Standard 313)

GSA: General Services Administration

Hazardous Material: Property that is deemed a hazardous material, chemical substance or mixture, or hazardous waste under the Hazardous Materials Transportation Act (HMTA), the Resource Conservation and Recovery Act (RCRA), or the Toxic Substances Control Act (TSCA). Generally, a hazardous material has one or more of the following characteristics:

- (a) Has a flash point below 200°F (93.3°C), closed cup, or is subject to spontaneous heating;
- (b) Is subject to polymerization with the release of large amounts of energy when handled, stored, or shipped without adequate controls;
- (c) In the course of normal operations, may produce fibers, dusts, gases, fumes, vapors, mists, or smokes which have one or more of the following characteristics:
 - (1) Causes 50 percent fatalities to test animals below 500 mg/kg of test animal weight when a single oral dose LD50 is used;
 - (2) Is a flammable solid or a strong oxidizing or reducing agent;
 - (3) Causes first degree burns to skin in a short time exposure, or is systemically toxic by skin contact;
 - (4) Has a permissible exposure limit (PEL) below 1000 **ppm** (see def.) for gases and vapors, below 500 mg/mm³ for fumes, below 10 mg/m³ or 2 fibers/cm³ for dust;
 - (5) Causes occupational chemical dermatitis, which is any abnormality of the skin induced or aggravated by the work environment that includes, but is not limited to, primary irritant categories, allergic sensitizers, and photo-sensitizers;
- (d) Is radioactive to the extent that it requires special handling;
- (e) Is a recognized carcinogen according to Occupational Safety and Health Administration (OSHA) regulations at 29 CFR Part 1910; or
- (f) Possesses special characteristics, that in the opinion of the **holding agency** (see def.), could be hazardous to health, safety, or the environment if improperly handled, stored, transported, disposed of, or otherwise improperly used.

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Hazardous (Personal) Property: Any personal property, including *scrap* (see def.) or waste but excluding property involving a radiological hazard, that is ignitable, corrosive, reactive, or toxic because of its quantity, concentration, or physical, chemical, or infectious characteristics, or that is deemed a hazardous material, chemical substance or mixture, or hazardous waste under the Hazardous Material Transportation Act (HMTA) (49 U.S.C. 5101), the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901-6981), or the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601-2609). Such property may be in solid, liquid, semi-liquid, or contained gas form and may cause or significantly contribute to an increase in mortality or illness, or pose present or potential hazard to human health or the environment when improperly used, treated, stored, transported, disposed of, or mismanaged. A category under high risk personal property (see def.).

Hazardous Waste⁵: Those materials or substances, the handling and disposal of which are governed by 40CFR 261, 29CFR 1910.120, and 29CFR 1926.65.

High Risk (Personal) Property⁶: Property that, because of its potential impact on public health and safety, the environment, national security interests, or proliferation concerns, must be controlled, and dispositioned in other than the routine manner. The categories of high risk property are (1) Especially designed or prepared property, (2) Export controlled property, (3) Proliferation-sensitive property, (4) Nuclear weapon components or weapon-like components, (5) Hazardous property, (6) Automatic data processing equipment, (7) Export controlled information, (8) Radioactive property, (9) Special nuclear material, and (10) Unclassified controlled nuclear information.

HMIS: Hazardous Material Information System, sponsored and maintained by the Department of Defense.

Holding Agency: The Federal agency having accountability for, and generally possession of, the chemicals involved.

Internal Screening Period: See *DOE Screening Period* (def.).

MSDS: Material Safety Data Sheet, prepared in accordance with the *OSHA* (see def.) Hazard Communication Standard (29 CFR 1910.1200).

Munitions List⁷: Articles, services, and related technical data designated as defense articles and defense services by the Arms Export Control Act of 1968, as amended. Items are listed in the International Traffic in Arms Regulation (ITAR) (22 CFR 121), published by the U.S. Department of State.

No Commercial Value: An item has “no commercial value” when it has neither utility nor monetary value, as an item or as *scrap* (see def.).

Non-appropriated Fund Property: Property (i.e., chemicals) procured without the use of Federal government funds.

⁵ The definition for hazardous waste, as given in 41CFR101-42.001, includes the following caveats:

- (a) In general, hazardous materials (see def.) are hazardous wastes when one or both of the following is true:
 - (1) They have passed through the disposition cycle without having been successfully reutilized, transferred, donated, or sold, and the holding agency declares an intent to discard them.
 - (2) They are no longer usable for their intended purpose, a valid alternate purpose, or resource recovery.
- (b) In general, solid (non-hazardous) wastes, as defined at 40 CFR 261.2, become hazardous wastes when:
 - (1) They exhibit one or more of the characteristics of ignitability, corrosivity, reactivity, or EP (Extraction Procedure) toxicity; or
 - (2) They are predetermined hazardous wastes upon generation as listed in 40 CFR Part 261, Subpart D.

⁶ Excess chemicals identified as high risk personal property are most likely to belong to category (5), (2) or (3).

⁷ The U.S. Munitions List includes military explosives, propellants, toxicological agents, etc.

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Nonfriable Asbestos Materials: Materials that contain asbestos which is bonded or otherwise rendered unavailable for release into the atmosphere through normal usage and that cannot, when dry, be crumbled, pulverized, or reduced to powder by hand pressure. However, cutting, sanding, crushing, or performing some other disruptive action on items containing nonfriable asbestos can release asbestos fibers into the air.

NRC: Nuclear Regulatory Commission

Nuclear Suppliers Group: A select group of nuclear supplier countries dedicated to nuclear nonproliferation that establishes the **Trigger List** (see def.) and **Dual-use List** (see def.) in formulating guidelines for the export of nuclear materials, equipment and technology and for the transfer of nuclear-related dual-use nuclear equipment, materials, software and related technology, respectively.

OPMO: Organizational Property Management Officer

OSHA: Occupational Safety and Health Administration

PCBs: Polychlorinated biphenyls; a class of chlorinated aromatic compounds that is hazardous to human health and the environment. [NOTE: In 41 CFR 101-42.1102-2, the same acronym "PCBs" is used to mean substances containing polychlorinated biphenyls at a concentration of 500 ppm or greater.]

Personal Property: Property of any kind, except for real estate and interests therein (such as easements and rights-of-way), and permanent fixtures which are Federal government-owned, chartered, rented, or leased from commercial sources by, and in the custody of, DOE or its designated contractors, source, byproduct, special nuclear materials, and atomic weapons as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014), as amended; and petroleum in the Strategic Petroleum Reserve and the Naval Petroleum Reserves. For purposes of this document, personal property means chemicals/chemical products.

PPL: Personal Property Letter

ppm: Parts per million

Precious Metals: A term that refers to gold, silver, and the platinum group metals -- platinum, palladium, rhodium, iridium, ruthenium and osmium.

Proliferation-sensitive Property: Nuclear-related or dual-use equipment, material, or technology as described in the **Nuclear Suppliers Group** (see def.) **Trigger List** (see def.) and **Dual-use List** (see def.), or equipment, material or technology used in the research, design, development, testing, or production of nuclear or other weapons. A category under high risk personal property (see def.).

Property Act: The Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (codified, as amended, in various sections of Titles 40 and 41 of the United States Code), the law that centralized Federal property management and disposition functions under the GSA.

Public Agency: Any State, political subdivision thereof, including any unit of local government or economic development district; any department, agency, or instrumentality thereof, including instrumentalities created by compact or other agreement between States or political subdivisions; multi-jurisdictional sub-state districts established by or pursuant to State law; or any Indian tribe, band, group, pueblo, or community located on a State reservation.

Public Body: Any department, agency, special purpose district, or other instrumentality of a State or local government; any Indian tribe; or any agency of the Federal government.

RCRA: See **Resource Conservation and Recovery Act** (def.)

Reportable Excess Property: Excess property that is reportable to the GSA by the holding agency (see def.) on Standard Form 120, excluding Hazardous waste (see def.), Extremely hazardous property (see def.), Scrap (see

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def.), Controlled substances, Chemicals determined to be appropriate for abandonment or destruction, Nuclear-related and proliferation-sensitive property (see def.), National security-sensitive property, NRC-controlled materials, etc. Reportable excess property includes non-hazardous chemicals, drugs and reagents other than controlled substances; nonfriable asbestos materials, excluded PCB products (i.e., those containing less than 49 ppm PCBs), etc.

Reportable Property: Excess or surplus property that is reportable to the GSA by the **holding agency** (see def.) or receiving organization on an appropriate Standard Form to effect a disposition transaction or to initiate the next phase of screening.

Resource Conservation and Recovery Act (RCRA): The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. section 6901 et seq.

SASP: See **State Agency for Surplus Property** (def.)

Scrap: Property that has no value except for its basic material content.

Screening Period: The period in which excess or surplus personal property is made available for excess transfer or surplus donation to eligible recipients.

SF: Standard Form used for implementing a disposition action or for reporting purposes.

Shelf-life : The length of time an age-sensitive material can be stored under prescribed conditions and can still confidently retain its properties such that it will function as intended when being put into service.

Shelf-life Item: Any item that deteriorates over time or has unstable characteristics such that a storage period must be assigned to assure the item is issued within that period to provide satisfactory performance. Management of such items is governed by 41 CFR Part 101-27, Subpart 27.2, and by DOD instructions, for executive agencies and DOD respectively.

State Agency for Surplus Property (SASP): The agency designated under State law to receive Federal surplus personal property for distribution to eligible donees (see def.) within the State as provided for in subsection 203(j) of the Property Act (40 U.S.C. 484(j)).

Surplus Chemicals: Any excess chemicals that remain with the facility after having undergone internal screening for reutilization within the DOE complex as well as excess screening for transfer to another Federal Agency.

Surplus Property (Surplus): Excess personal property no longer required by the Federal agencies as determined by GSA.

Surplus Release Date: The date on which screening of excess chemicals for Federal use is completed and the chemicals are not needed for any Federal use. On that date, excess chemicals become surplus and are eligible for donation to non-federal recipients.

Suspect (Property): Any material or property that cannot be guaranteed, without further evaluation, of being free from chemical or radioactive contamination.

Trigger List⁸: A compilation of Nuclear materials, equipment, and related technology developed by the **Nuclear Supplier Group** (see def.) and maintained by the International Atomic Energy Agency (IAEA), as Information Circular INFCIRC 254, Part 1. Items on this list "trigger" the imposition of International Atomic Energy Agency safeguards.

⁸ The Trigger List includes nuclear grade graphite, deuterium and heavy water.

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Type I Items: Non-extendable shelf-life items that have a definite storage life after which the item or material is considered to be no longer usable for its primary function and should be discarded. Examples of Type I items include drugs and medicines with certain characteristics, and unstable/reactive chemicals (see def.).

Type II Items: Extendable shelf-life items for which successive re-inspection dates can be established when the items or materials have a continued usability as determined by examination based upon criteria that have been agreed upon. Examples of Type II items include paints, coatings and inks.

Universal Waste: Any of the following hazardous wastes that are managed under the universal waste requirements of 40 CFR 273: (1) Batteries as described in 40 CFR 273.2; (2) Pesticides as described in 40 CFR 273.3; (3) Thermostats as described in 40 CFR 273.4; and (4) Lamps as described in 40 CFR 273.5.

Unstable/Reactive Chemical: A chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, become self-reactive, or otherwise undergo a violent chemical change under conditions of shock, pressure or temperature. Such chemicals may also be identified as **Type I items** (see def.). Examples include explosives, reactive monomers, and peroxide formers that produce unstable highly friction-sensitive or shock-sensitive peroxides, etc.

U.S.C.: United States Code

4.0 Requirements

Sources	Consolidated Safety and Health Requirements
	<p>4.1 Disposition of Excess (or Surplus) Chemicals</p> <p><i>[NOTE: Prescribed disposition options, in a descending order of implementation, may include reutilization within the DOE complex, transfer to another federal agency, donation to a non-profit organization via a state agency, or sale to a public entity. Available disposition options are limited by the hazard, risk or value characteristics of the chemical. See Appendix A of this chapter for typical screening process steps.]</i></p>
41 CFR 109-43.101; 41CFR102-36.30; 41CFR102-36.35(a); 41CFR102-36.45(e)	<p>Identification and Disposition of Excess Chemicals – General</p> <p>4.1.1 DOE offices and designated contractors shall promptly identify chemicals under their control that are excess to their needs and make them available for use elsewhere. They must ensure that final disposition complies with applicable environmental, health, safety, and national security regulations.</p>
DOE-PPL 970-3; 41CFR109-1.53	<p>Disposition of Four Categories of High Risk (Personal Property) Chemicals</p> <p>4.1.2 Excess chemicals that fall under any of the <u>four specific categories</u> of high risk personal property, namely, Especially designed or prepared property, Export controlled property, Proliferation-sensitive property, and Nuclear weapon components or weapon-like components, shall be subject to the identification, accounting, control, and disposition policy guidance available from DOE-PPL 970-3 and 41CFR109-1.53.</p>
41CFR109-1.5303(b)(2)	4.1.2 .1 The DOE or designated contractor shall process high risk (personal property) chemicals into a reutilization/disposition program only after completing the reviews prescribed by the local high risk property management system.
41CFR109-1.5303(b)(3); 41CFR101 (Subchapter H); 41CFR109 (Subchapter H); DOE's Guidelines on Export Control and Nonproliferation	4.1.2 .2 The disposition and handling of high risk property chemicals shall be subject to applicable provisions of Subchapter H of the FPMR (41CFR101), Subchapter H of DOE-PMR (41CFR109), and DOE's "Guidelines on Export Control and Nonproliferation."
41CFR109-1.5303(b)(4)	4.1.2 .3 All applicable documentation, including records related to the chemical's categorization as high risk, shall be included with all property transfers, internal or external to DOE.
41CFR109-1.5303(b)(5)	4.1.2 .4 Unless an alternative disposition path is available, surplus Trigger List (see def.) chemicals (e.g., those identified under Especially designed/ prepared property, Proliferation-sensitive property, or Export controlled property, as defined in Section 3.0, above) shall either be sold for scrap (see def.) after being rendered useless for their originally intended function or destroyed, with the destruction verified and documented.

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41CFR109-1.5303(b)(6)	4.1.2 .5 The Export Restriction Notice specified in 41CFR109-1.5303(b)(6), or an approved equivalent notice, shall be included in all transfers, donations, sales or other disposition actions.
41CFR109-43.305-50; Standard Form 120	4.1.2 .6 Excess nuclear-related and proliferation-sensitive chemicals shall not undergo formal internal screening within DOE or be reported to the GSA on Standard Form (SF) 120 (Report of Excess Personal Property). See Sections 4.1.2.2 and 4.1.2.4, above for control and disposition options (such as destruction, conversion to scrap that can be sold to the public, or other DOE authorized option).
41CFR101-42.202(a) through (c); 29CFR1910.1200	<p>Hazardous Materials – Identification and Documentation</p> <p>4.1.3 Actual or potential hazards associated with an excess hazardous material shall be documented with a Material Safety Data Sheet (MSDS) supplied by the manufacturer, distributor or importer. If an MSDS is not available, a Hazardous Materials Identification System (HMIS) record from the automated Department of Defense database is acceptable. If an MSDS or HMIS record is not available, a hazard identification document prepared by the owning DOE organization that meets the MSDS content requirements set forth in the OSHA Hazard Communication Standard (29CFR1910.1200) shall be used.</p>
41CFR101-42.202(d); 41CFR101-42.202(a); 41CFR101-42.1101	<p>4.1.3.1 For hazardous items acquired prior to the implementation of the Federal acquisition standards (i.e., Federal Standards 313 and 123), the owning or holding agency (see def.) shall identify and document the potential hazards associated with these items.</p> <p><i>[NOTE: Hazardous materials are found in most Federal Supply Classification (FSC) classes. Refer to Table B-1 (List of FSC classes composed predominantly of hazardous items) and Table B-2 (Selective list of FSC classes and groups that contain a significant number of hazardous items) in Appendix B of this chapter.]</i></p>
41CFR101-42.202(e)	4.1.3.2 When an item is identified as hazardous, the owning DOE organization shall document the accountable inventory record accordingly.
41CFR101-42.202(e); 29CFR1910.1200	4.1.3.3 If the hazardous item (or material) has not been properly labeled by the manufacturer, the owning DOE organization shall label, mark, or tag the item in accordance with the OSHA Hazard Communication Standard requirements regarding the actual or potential hazard associated with the handling, storage, or use of the item (or material).
41CFR101-42.202(e)	4.1.3.4 Hazard and special care or handling information shall be maintained in the item record for use in preparation of reports of excess property, and reassignment or transfer documentation.

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41CFR101-27.204	<p>Disposition of Unstable/Reactive chemicals</p> <p>4.1.4 Unstable/reactive chemicals (see def.) that are identified as non-extendable shelf-life items (also known as Type I items (see def.)) shall be safely discarded at the expiration of their designated shelf life.</p>
NFPA 45, Sec. 7.2.3.5; NFPA 45, Sec. 10.3.2	<p>4.1.5 If shelf life is unknown, unstable/ reactive chemicals that might become hazardous during prolonged storage shall be evaluated or tested, at six-month intervals as a minimum, to assure continued safe use. Material found to be unsafe or incapable of being rendered safe shall be discarded.</p>
41CFR101-42.001 – Definition for Hazardous Waste; 41CFR101-27.204	<p>4.1.6 Unless shelf life is extended on the basis of technical evaluation (e.g. for Type II extendable shelf-life items (see def.)), hazardous materials with an expired shelf life shall be reclassified as “hazardous waste” (see def.), if required by federal, state and/or local environmental laws or regulations.</p>
41CFR102-36.450(b); 41CFR102-36.305	<p>4.1.7 Materials with expired shelf life, that have “no commercial value” (see def.), may be disposed of by abandonment/destruction in accordance with 41CFR102-36.305 and in compliance with Federal, State, and local waste disposal and air and water pollution control standards.</p>
41CFR 101-42.2; 41CFR101-42.11; 41CFR102-36; 41CFR109-43; 41CFR109-42.11	<p>4.2 Utilization of Excess Chemicals</p> <p>Hazardous Materials - General</p> <p>The utilization and transfer of hazardous materials and certain categories of property within the Federal government shall be governed by the special policies and methods prescribed by the GSA in 41CFR101-42.2, 41CFR101-42.11 and 41CFR102-36 in addition to any superceding DOE requirements found in 41CFR 109-43 and 41CFR109-42.11.</p>
41CFR109-43.304-1.50(a); 41CFR102-36.45(e)(1)	<p>4.2.1 Offsite Utilization Within DOE Complex - Internal DOE Screening</p> <p>4.2.1.1 Prior to reporting excess chemicals to the GSA, reportable property (see def.) shall be screened for reutilization (or reassignment) within DOE using the Energy Assets Disposal System (EADS) (see def.) for a 15-day period.</p> <p><i>[NOTE: Refer to Appendix A of this chapter for a description of typical disposition steps for an excess chemical.]</i></p>
41CFR109-43.304-1.50(e)	<p>4.2.1.2 In general, simultaneous internal DOE screening and Federal agency excess screening shall not be conducted.</p>
41CFR109-43.304-1.51; Standard Form 122	<p>4.2.1.3 Transfer of excess chemicals within DOE generally shall be effected by the completion of a Standard Form (SF) 122 (Transfer Order Excess Personal Property) by the receiving contractor and approval by the cognizant DOE property administrator for that contractor.</p>

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41CFR101-42.203; SF 122	4.2.1.4 Information on the actual or potential hazard shall be included in the SF 122, and the receiving contractor shall identify the nature of the hazard in the accountable inventory record.
41CFR101-42.206	4.2.1.5 The holding DOE organization shall properly store excess hazardous materials and provide necessary safeguards including warning signs, labels, and the use of personal protective equipment by utilization screeners when inspecting the excess.
41CFR109-43.304-2; 41CFR102-36.230(a); 41CFR102-36.230(b); Standard Form 120	<p>4.2.2 Utilization Reports of Excess Chemicals - General</p> <p>4.2.2.1 To initiate federal excess screening, reportable property (i.e., excess chemicals) will be electronically submitted by EADS directly to GSA's Federal Disposal System (FEDS) (see def.) following internal DOE screening, <u>OR</u></p> <p>Paper submissions of Standard Form (SF) 120 (Report of Excess Personal Property) shall be made to the GSA office for the region where the excess chemicals are located.</p>
41CFR101-42.204 (c)	4.2.2.2 Hazardous waste (see def.) shall be disposed of by the DOE organization under the EPA, State, and local regulations and it shall not be reported to GSA on the SF 120.
41CFR101-42.204(a); 41CFR102-36.425; 41CFR101-42; 41CFR102-36.45(e)(2); SF 120	<p>Hazardous Property/Hazardous Materials/Hazardous items</p> <p>4.2.2.3 Excess chemicals that are identified as hazardous property (including hazardous materials, but excluding hazardous waste and extremely hazardous property) shall be reported promptly on SF 120 to the GSA for further reuse by eligible recipients, together with a full description of the actual or potential hazard associated with the handling, storage, or use of the chemicals.</p>
41CFR101-42.204(b); 29CFR1910.1200; SF 120	4.2.2.4 If available, a copy of the MSDS or HMIS record that describes the hazardous nature of the item shall be included with the SF 120; if not, an MSDS-equivalent document shall be provided by the owning DOE organization.
41CFR101-42.204(b); 29CFR1910.1200; 49CFR Parts 178-180	4.2.2.5. The description of the hazard should include a certification by an authorized DOE official that the item has been properly labeled (refer to Section 4.1.3.3, above) and that the container and/or packaging meets or exceeds DOT specifications for a hazardous material container.
41CFR102-36.220(b); 41CFR102-36.220(c); 41CFR102-36.165; 41CFR101-42.1102-3; 41CFR101-42.1102-4; 41CFR101-42	<p>4.2.3 Exceptions to Utilization Reporting of Excess Chemicals</p> <p>4.2.3.1 DOE or DOE contractors shall not report the following types of chemicals as excess to the GSA on Standard Form 120 to initiate the excess screening process by federal agencies:</p> <ul style="list-style-type: none"> Chemicals determined appropriate for abandonment/destruction (See Section 4.2.4, below);

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	<ul style="list-style-type: none"> • Non-appropriated fund property (see def.). Such property may be transferred to a Federal agency with reimbursement or offered for public sale. It shall not be donated; • Scrap; • Hazardous waste (See Section 4.2.2.2, above); • Controlled substances (refer to 41CFR101-42.1102-3 in Section 4.8.2, below); • Nuclear Regulatory Commission-controlled materials (refer to 41CFR101-42.1102-4 in Section 4.8.2, below); • Property dangerous to public health and safety (e.g., asbestos, PCBs (see def.), lead-containing paint) (refer to Sections 4.8.3, 4.8.4 and 4.8.2, below); • Classified items or property determined to be sensitive for reasons of national security (e.g., Especially prepared or designed property, Proliferation-sensitive property, Nuclear components or materials, Nuclear technology related components and materials).
41CFR101-42.205 (a); 41CFR101-42.205(b) Standard Form 120	<p>4.2.3.2 Excess chemicals determined by the holding DOE organization to be extremely hazardous property shall not be reported on SF 120, unless so directed by the GSA. When such an item becomes excess, the holding DOE organization shall notify the appropriate GSA regional office to obtain guidance on a case-by-case basis, on the utilization, donation, sales, or other disposition requirements.</p>
41CFR109-45.901; 41CFR102-36.305; 41CFR102-36.35(d)	<p>4.2.4 Abandonment or Destruction of Excess or Surplus Chemicals</p> <p>4.2.4.1 The holding DOE organization or designated contractor may abandon or destroy (excess or surplus) property or donate it to public bodies (without reporting to the GSA) only after the OPMO (see def.) makes a written determination that the property has “no commercial value” or its continued maintenance cost would exceed its estimated sale proceeds.</p>
41CFR102-36.325; 41CFR102-36.315(b); 41CFR101-45	<p>4.2.4.2 In general, DOE or DOE contractor must implement sales procedures (in accordance with 41CFR101-45) in lieu of abandonment/ destruction when an eligible recipient shows interest in purchasing these excess chemicals.</p>
41CFR102-36.325; 41CFR102-36.330	<p>Exceptions to Public Notice</p> <p>4.2.4.3 The required public notice of intent (41CFR102-36.325) to abandon/destroy excess chemicals, including an offer to sell them to the public, prior to their actual disposition is not needed in the following cases:</p> <ul style="list-style-type: none"> • The value of the property, including any expected sale proceeds, is significantly less than the cost of its care and handling pending abandonment/destruction, or • Abandonment or destruction is required because of health, safety, or security reasons; or • When the original acquisition cost of the item

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	(estimated if unknown) is less than \$500.
41CFR109-45.902-2; 41CFR102-36.310	<p>Abandonment or Destruction without Public Notice</p> <p>4.2.4.4 The head of the DOE field organization shall coordinate with the OPMO, a review of the findings prepared by a designated official, to justify the abandonment or destruction of property without a public notification of the pending action.</p>
41CFR102-36.315(a); 41CFR109-44.702-3; 41CFR109-42.11; 41CFR109-43.307; 41CFR109-44.7; 41CFR109-45.9; 41CFR101-42	<p>4.2.4.5 The owning DOE organization shall not abandon or destroy excess (or surplus) chemicals in a manner that endangers public health or safety. Specific information can be found in 41CFR109-42.11, 41CFR109-43.307, 41CFR109-44.7, 41CFR109-45, and 41CFR101-42 for hazardous materials.</p>
41CFR102-36.320; 41CFR102-36.35(d)	<p>Donation to a Public Body (see def.)</p> <p>4.2.4.6 Excess chemicals determined to be appropriate for abandonment/ destruction may be donated only to a public body without going through the GSA.</p>
41CFR109-44.701	<p>4.2.4.7 The Director, Office of Administrative Services and heads of field organizations shall designate officials to make required findings and reviews to justify donation of excess or surplus chemicals to public bodies.</p>
41CFR109-44.702-3; 41CFR109-42.11; 41CFR101-42	<p>4.2.4.8 The Director, Office of Administrative Services and heads of field organizations shall ensure that the donation of excess or surplus hazardous materials to public bodies complies with applicable requirements in 41CFR109-42.11 and 41CFR101-42.</p>
41CFR 101-42.207(a); 29CFR1910.1200; Standard Form 122	<p>4.3 Off-Site Transfer to Other Federal Agencies -- Federal Excess Screening</p> <p>Transfer of Hazardous Materials and Certain Categories of Property</p> <p>4.3.1 Excess hazardous materials may be transferred between DOE and other Federal agencies except that the Standard Form (SF) 122 (Transfer Order Excess Personal Property), prepared by the transferee (i.e., receiving agency) shall contain a full description of the actual or potential hazard associated with the handling, storage, or use of each item. The description shall consist of an MSDS or HMIS data record, if available, or a written MSDS-equivalent narrative meeting the OSHA Hazard Communication Standard requirements.</p>
41CFR 101-42.207(a)	<p>4.3.2 A certification by an authorized DOE official that the hazardous item has been properly labeled and its packaging meets OSHA and DOT requirements (see Section 4.2.2.5, above), shall be included in the description of the hazard.</p>

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41CFR101-42.207(b); SF 122	4.3.3 The transferee agency (i.e., receiving agency) shall document the inventory or control record of the transferred hazardous item to indicate the hazard associated with the handling, storage, or use of the item. If available, an MSDS or HMIS (or equivalent) data record must be filed with the SF 122.
41CFR101-42.208	<p>Custody of Extremely hazardous materials</p> <p>4.3.4 Custody of excess extremely hazardous materials shall be the responsibility of the owning or holding DOE site. Custody of other hazardous materials may be fully or partially transferred to another Federal agency with that agency's consent.</p>
41CFR102-36.35(c)	<p>4.4 Donation or Sale of Surplus Chemicals to the Public</p> <p><i>[NOTE: Surplus chemicals not selected for donation are offered for sale to the public by competitive offerings such as sealed bid sales, spot bid sales or auctions. DOE or DOE contractor may conduct the sale if the GSA is made aware of DOE's intent at the time the excess is reported or the GSA will conduct the sale, by default.]</i></p>
41CFR102-36.35(b)	<p>4.4.1 General Requirements</p> <p>4.4.1.1 To comply with the Property Act (see def.), surplus chemicals (i.e., excess chemicals that have not been transferred to Federal agencies) shall be distributed to eligible recipients by an agency established by each State for this purpose, the State Agency for Surplus Property (SASP).</p>
41CFR101-45.102	4.4.1.2 A need for surplus chemicals expressed by any Federal agency shall take precedence to any disposition action by sale, provided that need is relayed in time for the DOE organization to respond.
41CFR101-45.105-1; 41CFR101-45	4.4.1.3 Although policies and methods prescribed in 41CFR101-45 for the disposition of surplus chemicals by public sale or abandonment/destruction do not apply to materials acquired for the national stockpile or the supplemental stockpile or to materials acquired under section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093), these provisions should be followed to the extent feasible in the disposition of such materials.
41CFR102-37.40	<p>4.4.1.4 All surplus chemicals are available for donation to eligible recipients, <u>except</u> for the following property categories:</p> <ul style="list-style-type: none"> • Non-appropriated fund property • Property that requires reimbursement upon transfer • Controlled substances. • Items that may be specified from time to time by the GSA Office of Government-wide Policy
41CFR109-43.307-2.50	Monitoring of Hazardous Chemicals for Radioactive/Chemical Contamination

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	<p>4.4.2 To prevent inadvertent release of hazardous personal property from the DOE sites by transfer or sale to the public, all hazardous or suspected hazardous property chemicals shall be checked for radioactive or chemical contamination⁹ by environmental, safety, and health officials.</p>
41CFR109-43.307-2.50	<p>4.4.2.1 Contamination-free chemicals will carry a certification tag authorizing release for transfer or sale.</p>
41CFR109-43.307-2.50	<p>4.4.2.2 Contaminated chemicals will be referred back to the DOE program office for appropriate action.</p>
41CFR109-43.307-2.51	<p>Holding Hazardous Property Chemicals</p> <p>4.4.3 Excess or surplus hazardous property chemicals shall be stored compatibly and not with non-hazardous property chemicals while awaiting disposition action.</p>
41CFR109-43.307-50(a)	<p>4.4.4 High Risk Property -- Export Controlled Property</p> <p>4.4.4.1 DOE or the DOE contractor must obtain the necessary export license when chemicals subject to export controls are to be exported directly.</p>
41CFR109-43.307-50(b)	<p>4.4.4.2 When chemicals subject to export controls are transferred under work-for-others agreements, co-operative agreements, or technical programs, the recipients will be informed in writing about export control restrictions that must be followed in the event of a change in custody of the materials.</p>
41CFR109-43.307-52(a)	<p>4.4.5 High-Risk Property - Nuclear-related or Proliferation-sensitive Personal Property</p> <p>4.4.5.1 All nuclear-related and proliferation-sensitive personal property (see def.) shall be physically tagged with a certification from an authorized DOE program official at the time of excess determination.</p>
41CFR109-43.307-52(b)	<p>4.4.5.2 Excess nuclear-related and proliferation-sensitive personal property shall be stripped of all of its distinctive characteristics, as determined by the cognizant program office, prior to disposition. To the extent practicable, such action shall be accomplished without compromising any civilian utility or commercial value of the chemical.</p>
41CFR109-43.315(d)	<p>4.5 Donation of Surplus Hazardous Materials to Public Agencies (see def.) via State Agencies for Surplus Property (SASPs) (see def.)</p>

⁹ Examples include radioactively-contaminated chemical containers or chemicals stored or used in radioactively-contaminated areas.

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	DOE contracting officers shall maintain a record of the number of certified non-Federal agency screeners operating under their authority and shall immediately notify the appropriate GSA regional office of any changes in screening arrangements.
41CFR109-44.702-3; 41CFR109-42.11; 41CFR101-42	<p>Donations of Hazardous Materials and Certain Categories of Property – General</p> <p>4.5.1 The Director, Office of Administrative Services and heads of DOE field organizations shall provide the safeguards, notifications, and certifications required for the donation of hazardous materials consistent with the requirements in 41CFR109-42.11 and 41CFR101-42.</p> <p><i>[NOTE: Donation of hazardous materials and certain categories of property (see def.) is governed by the special policies and methods prescribed in 41CFR 101-42.3 in addition to the requirements of 41CFR 102-37.]</i></p>
41CFR 101-42.3; 41CFR 102-37	
41CFR101-42.301(a)	4.5.1.1 Surplus chemicals identified as hazardous material and not required for transfer as excess chemicals to Federal agencies shall normally be made available for donation.
41CFR101-42.301(a)	4.5.1.2 State Agencies for Surplus Property (SASPs) shall not acquire hazardous materials without first confirming eligible donees (see def.) for these products.
41CFR101-42.301(a)	4.5.1.3 Surplus chemicals identified as hazardous may be donated provided the donee is warned about the hazardous nature of the product via MSDS, HMIS data, or equivalent safety documentation and is provided with special handling information.
41CFR101-42.301(b)	4.5.1.4 The donee shall sign a required certification as prescribed in 41CFR101-42.301(b) to the effect that he/she is aware of the hazards associated with the chemical product and that he/she is legally responsible for the use, storage, handling, transport and disposal of the hazardous material(s).
41CFR101-42.302(a); 41CFR101-42.202; 41CFR101-42.203	<p>4.5.2 Responsibilities for Donation of Hazardous Materials.</p> <p>Holding agencies (i.e., DOE) shall be responsible for the identification and reporting of hazardous materials as stated in 41CFR101-42.202 and 41CFR101-42.203 (see Section 4.1.3, above).</p>
41CFR101-42.302(b); Standard Form 123; 29CFR1910.1200	4.5.2.1 The State Agency for Surplus Property (SASP) or the donee, when applicable, shall prepare Standard Form (SF) 123 (Transfer Order Surplus Personal Property). A full description of the actual or potential hazard associated with handling, storage, or use of the item must be provided with an MSDS, HMIS data, or an equivalent document that complies with the requirements of the OSHA Hazard Communication Standard.
41CFR101-42.302(b);	4.5.2.2 The SASP and/or donee shall sign the certification

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41CFR101-42.301(b); SF 123	stipulated in 41CFR101-42.301(b) and forward it with the SF 123 to the GSA regional office. The certification is an acknowledgment by the donee of the legal transfer of custody of the hazardous material from the DOE organization and the acceptance of liabilities it may entail to the donee.
41CFR101-42.303; 41CFR101-42.301(b)	4.5.2.3 Donation of surplus hazardous material distributed by the SASP to the donee shall be effected by the use of State agency distribution document. The donee shall also sign the required certification (see Section 4.5.2.2, above).
41CFR101-42.302(c)	4.5.2.4 DOE and DOE contractors shall obtain approval from the GSA regional office to transfer hazardous materials for donation.
41CFR101-42.304; 41CFR101-42.1102	4.5.3 Special Requirements for Donation of Certain Hazardous Materials <i>[NOTE: Special donation requirements for specific hazardous materials are provided in 41CFR101-42.1102. Many hazardous materials require special storage and handling. (See Sections 4.8.2, 4.8.3, and 4.8.4, below.)]</i>
41CFR102-37.220(d); 41CFR101-42.1102-2	4.5.3.1 A SASP must obtain written justification from the prospective donee, and submit it to GSA along with the transfer request, prior to allocation of items containing 50 ppm or greater of polychlorinated biphenyl (PCB).
41CFR101-42.304; 41CFR102-37.245	4.5.3.2 The Federal holding agency or the SASP shall properly store hazardous materials, ensure the use of necessary safeguards, and instruct donation screeners on personal protection when inspecting the surplus.
41CFR101-42.304; 49CFR171	4.5.3.3 The SASP and/or the donee shall comply with DOT regulations (49CFR Part 171 et seq.) when transporting hazardous materials.
41CFR101-45.103-2; 41CFR101-45; 41CFR101-46; 41CFR101-42; 41CFR109-42	4.6 Sale Of Hazardous Materials To Public Bodies - General 4.6.1 Holding Agency Sales All provisions of 41CFR101-45 and 41CFR101-46 shall be followed in conducting sales of Federal government-owned surplus chemicals, if not superseded by DOE-PMR and 41CFR101-42.
41CFR109-45.105-3; 41CFR101-45	4.6.1.1 Contractor chemical inventory held by DOE designated contractors is exempted from the GSA conducted sales provisions of 41CFR101-45.
41CFR109-45.300-50	4.6.1.2 Sales of surplus contractor chemical inventory by designated contractors will be conducted with the approval of heads of field organizations and with oversight by OPMOs and program officials to ensure that chemicals requiring special handling or program office certification are sold in compliance with regulatory requirements.

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41CFR109-45.301-51	4.6.1.3 The Export/import clause specified in 41CFR109-45.301-51, warning the purchaser not to export the chemicals overseas and to inform the next potential owner about export/import restrictions shall be included in all sales invitations for bid.
41CFR101-42.401; 41CFR101-42.402; 41CFR101-42.403;	Sales of Hazardous Chemicals through GSA Regional Offices <i>[NOTE: Sales of hazardous materials are done through GSA regional offices in accordance with 41CFR101-42.400, 41CFR 101-42.401, 402 (reporting), and 403 (Sale methods and Procedures).]</i>
41CFR101-42.400; 41CFR101-42.45; 41CFR109-45; 41CFR101-45	4.6.2 The sale, abandonment, or destruction of hazardous materials and certain categories of property shall be conducted in accordance with the special policies and procedures prescribed in 41CFR101-42.400 and the additional requirements of 41CFR109-45 and 41CFR101-45.
41CFR101-42.401(a)	4.6.2.1 Sale of hazardous materials for DOE and DOE contractors shall be conducted through the regional offices of GSA.
41CFR101-42.401(a); 41CFR109-45.304; 41CFR101-42.403	4.6.2.2 DOE designated contractors and field organizations shall follow sales methods and procedures in accordance with 41CFR109-45.304. These holding agency (DOE) sales of hazardous materials shall meet or exceed the requirements in 41CFR101-42.403.
41CFR101-42.401(b); 41CFR101-45.103-2	4.6.2.3 Holding agencies shall prepare hazardous materials for sale as provided for in 41CFR101-45.103-2. Pending disposition, each holding agency shall care for and handle its hazardous materials, including posting appropriate warning signs and rendering <u>extremely hazardous property</u> innocuous, or providing adequate safeguards.
41CFR101-42.402; 41CFR101-45.303	Reporting hazardous materials for sale. 4.6.3 DOE and DOE contractors that elect to have GSA sell their hazardous materials shall report them to the GSA regional office for the region in which the surplus chemicals are located in the following manner:
41CFR101-42.402(a)	4.6.3.1 <u>Reportable property</u> - Hazardous materials reported for utilization screening, if not transferred or donated, will be programmed for sale by the GSA regional office.
41CFR101-42.402(b); Standard Form (SF) 126; 41CFR101-45.303(b)	4.6.3.2 <u>Nonreportable property</u> - Hazardous materials not required to be reported for utilization screening, and for which any required donation screening has been completed, shall be reported to the appropriate GSA regional office on Standard Form (SF) 126 (Report of Personal Property for Sale).
41CFR101-42.402(c); 41CFR101-42.204; Standard Form (SF) 126; 41CFR101-42.202(e);	4.6.3.3 <u>Description and certification</u> . The SF 126 shall contain a certification from an authorized DOE official that the hazardous item has been properly labeled and packaged as required in 41CFR101-42.202(e) (see Section 4.1.3.3,

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29CFR1910.1200; 49CFR Parts 178-180	above) and 41CFR101-42.204 (see Section 4.2.2.5, above).
41CFR101-42.402(c); SF 126; 29CFR1910.1200	4.6.3.4 The SF 126 shall also include a full description of the actual or potential hazard associated with handling, storage, or use of the item. This description shall be furnished by providing: an MSDS, or a copy of the HMIS record, or an MSDS-equivalent narrative that complies with the requirements of the OSHA Hazard Communication Standard.
41CFR101-42.403; 41CFR101-45.304	4.6.4 Sale Methods and Procedures for Hazardous materials Hazardous materials shall be sold in accordance with the provisions of 41CFR101-45.304 and the following special methods and procedures:
41CFR101-42.403(a)	4.6.4.1 Sales that offer hazardous materials shall be conducted separately from other sales. Sale catalogs or listings shall be sent to only those parties with an active interest in purchasing such materials.
41CFR101-42.403(b)	4.6.4.2 Sale catalogs, listings, and invitations for bids, shall <ul style="list-style-type: none"> • limit the hazardous materials in each lot to a single Federal supply group; • indicate if an MSDS is available for the product being sold; and • indicate if a hazardous item is being sold only for its material content.
41CFR101-42.403(c)	4.6.4.3 For a bid to be considered for award, the bidder must sign the certification specified in 41CFR101-42.403(c) to the effect that he/she will comply with all applicable regulations related to the care, handling, storage, shipment, resale, export, or other use of the hazardous material being purchased and that he/she will assume all legal liabilities after the purchase.
41CFR101-42.403(d); 29CFR1910.1200	4.6.4.4 MSDSs, HMIS records, where applicable, or a written description in compliance with the requirements of the OSHA Hazard Communication Standard shall be sent to purchasers of hazardous materials with their notice of award.
41CFR109-45.304; 41CFR109-45.309; 41CFR109-45.309-2.50; 41CFR109-43.307-2.50	4.6.5 Special Requirements - Sale of High Risk Personal Property 4.6.5.1 Suspect (def.) hazardous property shall be made available for sale only after the review and certification requirements for contamination-free status (see Section 4.4.2, above) have been met.
41CFR109-45.309-51; 41CFR109-43.307-50	4.6.5.2 Export controlled property shall be made available for sale only after the export license requirements (see Section 4.4.4, above) have been met.

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41CFR109-45.309-53; 41CFR109-43.307-52	4.6.5.3 Nuclear-related or proliferation-sensitive property shall be made available for sale only after the stripping and certification requirements (see Section 4.4.5, above) have been met.
41CFR101-42.403(e)	<p>Special Requirements - Sale of Extremely hazardous property</p> <p>4.6.6 Unless authorized by the appropriate GSA regional office, DOE or DOE contractor shall not sell extremely hazardous property <u>unless</u> it is rendered innocuous without losing its utility or commercial value and adequate safeguards are provided.</p>
41CFR101-42.404; 41CFR101.42.1102	<p>Special Requirements - Sale of Certain Hazardous materials</p> <p>4.6.7 DOE or DOE contractors shall follow the special sales requirements provided in 41CFR101.42.1102 for certain hazardous materials (e.g., asbestos, polychlorinated biphenyls, controlled substances, etc.) (see Sections 4.8.1 through 4.8.4, below). The holding agency (DOE) shall properly store hazardous items and provide information to ensure that prospective bidders are aware of the hazards, as well as the precautions they should take to protect themselves.</p>
41CFR 102-36.305 through 102-36.330; 41CFR101-42.1102	<p>4.7 Abandonment or Destruction of Surplus Hazardous Materials and Certain Categories of Property</p> <p>DOE and DOE contractors shall follow the requirements for the abandonment or destruction of surplus hazardous chemicals as prescribed in 41CFR 102-36.305 through 102-36.330 and additional requirements found in 41CFR101-42.1102.</p>
41CFR102-37.565; 41CFR102-37.570; 41CFR109-44.701	<p>Abandonment or Destruction¹⁰</p> <p>4.7.1 A written finding must be made by an authorized DOE official (see Section 4.2.4.1, above) that a surplus chemical has “no commercial value” or its continued maintenance would cost more than its estimated sale proceeds, before it can be abandoned or destroyed, or donated to public bodies.</p>
41CFR101-42.406; 41CFR102-36.305 through 102-36.330; 41CFR101-42.1102; 41CFR109-44.702-3; 41CFR102-37.570	4.7.2 In addition to the requirements in 41CFR102-36.305 through 102-36.330 and 41CFR101-42.1102, surplus hazardous materials, including empty hazardous material containers, shall be abandoned or destroyed in accordance with appropriate Federal, State, and local waste disposal, and air and water pollution control standards (see Section 4.2.4.8, above).
41CFR102-37.35(c); 41CFR102-37.125(a)(2)	<p>Donation¹¹ to Public Bodies</p> <p>4.7.3 The holding DOE organization or designated contractor shall not donate chemicals that require destruction for health, safety, or security reasons.</p>

¹⁰ Surplus chemicals remaining after normal donation screening are generally subject to the sale process in accordance with the provisions of 41CFR 101-45. However, if the criteria in 41CFR 102-36.305 are met, these chemicals may be destroyed. [41CFR102-37.80]

¹¹ The holding DOE organization may donate surplus chemicals, which would otherwise be abandoned or destroyed,

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41CFR101-42.1101(a)	<p>4.8 Disposition of Special Types of Hazardous Materials and Certain Categories of Property</p> <p>Hazardous material identification is required for all material that, by virtue of its potentially dangerous nature, requires controls to assure adequate safety to life, property, and the environment.</p>
41CFR101-42.1101(b); 41CFR101-42.1101; Federal Standard 313	<p>4.8.1 Federal Supply Classification (FSC) Groups and Classes that Contain Hazardous Materials.</p> <p><i>[NOTE: To facilitate identification of hazardous materials or items using Federal Supply Classification (FSC) groups or classes, two listings, based on Federal standard 313, are provided in Appendix B of this chapter. Table B-1 contains a complete list of FSC classes composed predominantly of hazardous items and Table B-2 contains a selective listing of FSC classes and groups that contain a significant number of hazardous items.]</i></p>
41CFR101-42.1102; 41CFR101-42.1102-3; 41CFR101-42.1102-4; 41CFR101-42.1102-5; 41CFR101-42.1102-7; 41CFR101-42.1102-8; 41CFR101-42.1102-9	<p>4.8.2 Special Requirements for Disposition of Certain Hazardous Materials and Certain Categories of Property</p> <p><i>[NOTE: Special requirements for the utilization, donation, sale, and disposition of chemical products, including those belonging to certain Federal Supply Classes or Groups, that contain hazardous chemicals such as asbestos, polychlorinated biphenyls (PCBs), explosives, etc. are covered in various sections of 41 CFR 101.42.1102, as listed below:</i></p> <ul style="list-style-type: none"> • <i>Controlled substances (refer to 41CFR101-42.1102-3)</i> • <i>Nuclear Regulatory Commission (NRC)-controlled materials (refer to 41CFR101-42.1102-4)</i> • <i>Drugs, biologicals, and reagents other than controlled substances (refer to 41CFR101-42.1102-5)</i> • <i>Lead-containing paint and items bearing lead-containing paint (refer to 41CFR101-42.1102-7)</i> • <i>U.S. Munitions list items which require demilitarization (refer to 41CFR101-42.1102-8)</i> • <i>Acid contaminated and Explosive contaminated property (refer to 41CFR101-42.1102-9)]</i>
41CFR101-42.1102-1(b)(1); SF 120	<p>4.8.3 Asbestos - Special Requirements</p> <p>Friable Asbestos (see def.)</p> <p>4.8.3.1 Utilization - Excess chemicals known to contain friable asbestos shall not be reported to the GSA on SF 120 or transferred among Federal agencies.</p>

directly to public bodies, without going through the GSA, in accordance with Subpart H of DOE-PMR (41CFR109) and Subpart H of FPMR (41CFR101). As there is no special form to process donations, the holding agency may use any document that has an audit trail to record the transaction. [41CFR102-37.35(c); 41CFR102-37.575]

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41CFR101-42.1102-1(c)(1); 41CFR101-42.1102-1(d)(1)	4.8.3.2 Donation and sales ¹² - Surplus chemicals containing friable asbestos shall not be donated or sold.
41CFR101-42.1102-1(e)(1); 40CFR61.156	4.8.3.3 Abandonment and destruction - Excess or surplus personal property, which contains friable asbestos, shall be buried in an EPA-approved site, in accordance with the requirements of 40CFR61.156.
41CFR101-42.1102-1(b)(2)(i); 41CFR102-36; SF 120; SF 122	Nonfriable Asbestos (see def.) 4.8.3.4 Utilization – Excess chemicals containing nonfriable asbestos shall be reported to the GSA and processed routinely, except that a required cancer hazard warning, as specified in 40CFR101-42.1102-1(b)(2)(i), shall be included in the Standard Forms 120 and 122.
41CFR101-42.1102-1(b)(2)(ii)	4.8.3.5 All excess chemical products known to contain nonfriable asbestos shall be labeled with a cancer hazard warning as prescribed in 41CFR101-42.1102-1(b)(2)(ii).
41CFR101-42.1102-1(c)(2)(i); 41CFR102-37; SF 123	4.8.3.6 Donation – Surplus chemicals containing nonfriable asbestos may be donated in the normal manner, except that the Standard Form (SF) 123 shall include the cancer hazard warning stipulated in Section 4.8.3.4, above.
41CFR101-42.1102-1(c)(2)(ii); 41CFR101-42.1102-1(d)(2)(ii)	4.8.3.7 All surplus chemicals to be donated or sold, that contain nonfriable asbestos, shall be labeled as stated in Section 4.8.3.5, above.
41CFR101-42.1102-1(d)(2)(i); 41CFR 101-45	4.8.3.8 Sale – Surplus chemicals containing nonfriable asbestos may be sold, <u>except that</u> all sale-related documentation including product literature, advertisements, and post-sale agreements shall include a cancer hazard warning as specified in Section 4.8.3.4, above.
41CFR101-42.1102-1(e)(2); 41CFR102-36.305 through 102-36.330	4.8.3.9 Abandonment and destruction – Surplus chemicals containing nonfriable asbestos which are not transferred, donated, or sold shall be abandoned or destroyed as provided for in 41CFR102-36.305 through 102-36.330. However, if DOE is concerned about the nonfriable asbestos within the chemical product having the potential to become friable during the process of abandonment or destruction, the product shall be disposed of by burial (See Section 4.8.3.4, above).
41CFR101-42.1102-2(a)(2)	4.8.4 Polychlorinated biphenyls – Special Requirements <i>[NOTE: Substances containing Polychlorinated biphenyls (PCBs) are divided into three classes based on the concentration of PCBs present, as expressed in parts per million (ppm):</i>

¹² Exception: DOE and DOE contractors may, on a case-by-case basis, request approval from the GSA Central Office to transfer, donate, or sell (excess/surplus) chemicals containing friable asbestos. [41CFR101-42.1102-1(a)(4)]

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	<ul style="list-style-type: none"> • Zero through 49 ppm is classified as an “excluded PCB product”. • 50 through 499 ppm PCB is classified as a “PCB item”. • 500 or greater ppm PCB is classified as a “PCB”.]
41CFR101-42.1102-2(a)(3); 41CFR102-36; 41CFR102-37; 41CFR101-45	4.8.4.1 Excluded PCB products (i.e., less than 49 ppm PCB) are not subject to Federal restrictions and may be transferred, donated, sold, or otherwise processed under 41CFR Parts 102-36, 102-37, and 101-45, provided such processing conforms to all applicable State ¹³ and local laws.
41CFR101-42.1102-2(a)(4)	4.8.4.2 All PCBs and PCB items to be transferred, donated, or sold shall be labeled or marked clearly with a toxic hazard warning as specified in 41CFR101-42.1102-2(a)(4).
41CFR101-42.1102-2(a)(5)	4.8.4.3 Unmarked or unlabeled items containing PCBs or PCB items with an unknown level of concentration of PCBs shall not be transferred, donated, or sold.
41CFR101-42.1102-2(b)(1)	4.8.4.4 Utilization - PCBs and PCB items shall be reported for utilization screening as a hazardous property (see Sections 4.2.2.3 and 4.2.2.4, above).
41CFR101-42.1102-2(b)(2); 40CFR761; SF 122	4.8.4.5 To obtain GSA’s approval for transfers of excess PCBs or PCB items, (a) the items shall be intact, non-leaking, and totally enclosed, and (b) the SF 122 shall cite the specific provision in 40 CFR761 that allows continued use of the item, and contains a certification that the product has been inspected by the transferee and that it complies with all applicable provisions of 40CFR761.
41CFR101-42.1102-2(b)(3); 40CFR761	4.8.4.6 When a PCB or PCB item is transferred as excess, the receiving agency shall note in its property accountability records the nature and concentration of the PCB and shall list the provisions of 40CFR761 authorizing its use.
41CFR101-42.1102-2(c)(1); 41CFR102-37; 40CFR761; SF 123	<p>4.8.4.7 Donation - In order for PCB or PCB-contaminated items to be approved by the GSA for donation under 41CFR102-37,</p> <ul style="list-style-type: none"> • the required certification (see Section 4.8.4.2, above) must appear on the SF 123 (Transfer Order Surplus Personal Property); • the specific donee must have been selected; and • a justification from the recipient (i.e., the SASP or the donee) must be attached stating the proposed use and citing the specific provision in 40CFR761 that permits continued use of the item.

¹³ Some States regulate PCB concentrations more strictly than does the Federal government.

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41CFR101-42.1102-2(c)(2)	4.8.4.8 All PCBs and PCB items must be in usable condition to be eligible for donation.
41CFR101-42.1102-2(c)(3)	4.8.4.9 Items to be donated must be intact, totally enclosed, and non-leaking.
41CFR101-42.1102-2(d)(1); 41CFR101-42.1102-2(d)(2); 40CFR761	4.8.4.10 Sales - The GSA or the holding DOE organization normally shall not sell surplus PCBs or PCB items. These items are regarded as extremely hazardous and shall be disposed of by DOE and DOE contractors under the EPA regulations. <i>[NOTE: Holding DOE organizations may request the authority to sell or that the GSA sell a specific PCB or PCB item, by citing the specific provision in 40CFR761 that authorizes such sale, along with a justification for sale of the item instead of disposal under EPA regulations.]</i>
41CFR101-42.1102-2(d)(3); 41CFR42.1102-2(a)(4)	4.8.4.11 If PCBs or PCB items are to be sold, the invitation for bid (IFB), any Standard Form that lists such items, and any sales literature related to these items shall contain the warning as prescribed in 41CFR42.1102-2(a)(4).
41CFR101-42.1102-2(e)(1); 40CFR761	4.8.4.12 Abandonment and destruction - PCBs and PCB items not disposed of via utilization, donation, or sale shall be destroyed or otherwise disposed of in accordance with the EPA regulation (40CFR761) and applicable State laws.
41CFR109-42.1100.50; 41CFR109-42.11	4.9 Utilization and Disposition of Hazardous Materials that are Radioactively or Chemically Contaminated <i>[NOTE: 41CFR109-42.11 sets forth policies and procedures for the utilization and disposition outside of DOE of excess and surplus chemicals, which have been radioactively or chemically contaminated.]</i>
41CFR109-42.1100.51	4.9.1 DOE or DOE contractor shall dispose of contaminated chemicals in accordance with applicable Federal regulations governing radiation/chemical exposure and environmental contamination. Appropriate state and local regulations shall be followed in cases where Federal regulations do not exist or apply.
41CFR109-42.1102.51(a)	Suspect Personal Property 4.9.2 Excess chemicals (including scrap) having a history of use in an area where radioactive or chemical contamination may occur shall be considered suspect and shall be monitored.
41CFR109-42.1102.51(b)	4.9.3 If economically feasible, every effort shall be made to reduce the level of contamination of excess or surplus chemicals to the lowest practicable level. Contaminated chemicals that exceed applicable contamination standards shall not be utilized or disposed outside of DOE.
41CFR109-42.1102.51(c)	4.9.4 If contamination is suspected and the property is of such size, construction, or location as to make testing for contamination impossible, the property shall not be utilized or disposed outside of

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	DOE.
41CFR109-42.1102.52; 41CFR109-45.5005-1(a); 49 CFR Parts 171-179	<p>Low Level Contaminated Personal Property.</p> <p>4.9.5 If monitoring of suspect chemicals indicates that contamination does not exceed applicable standards, they may be utilized and disposed of in the same manner as uncontaminated chemicals, provided the guidance in 41CFR109-45.5005-1(a) has been considered. However, recipients shall be advised of the hazards where levels of radioactive contamination require specific controls for shipment as provided in DOT regulations (49 CFR Parts 171-179) for shipment of radioactive personal property.</p>
41CFR109-42.1102.52	<p>4.9.6 When any contaminated chemical is screened within DOE, reported to GSA, or otherwise disposed of, the kind and degree of contamination must be clearly indicated on all relevant documents.</p>
41CFR109-45.5005-1; 41CFR109-45.50; 41CFR109-42; 41CFR109-43.307-50; 41CFR109-43.307-51; 41CFR109-43.307-52; 41CFR101-42	<p>Disposition of Contaminated High Risk Excess and Surplus Property</p> <p>4.9.7 Excess and surplus chemicals identified as Nuclear-related, proliferation-sensitive, low level contaminated property and Classified personal property shall not be transferred, sold, exchanged, leased, donated, abandoned, or destroyed without approval of the cognizant DOE program office. Disposition of such chemicals is subject to the restrictions contained in applicable sections of the DOE-PMR and FPMR.</p>
	<p>4.10 Storage and Handling of Excess or Surplus Chemicals</p> <p><i>[NOTE: Chemicals categorized as hazardous materials, extremely hazardous materials, dangerous property, and hazardous property require special handling and storage considerations. Requirements identified in Chapter 5 ("Chemical Storage") of this document continue to apply for the storage and handling of excess (or surplus) chemicals while avenues for their disposition are being sought until the time the chemicals are identified as waste for final disposal.]</i></p>

5.0 REFERENCES

U.S. Department of Energy (July 1999), "Guidelines on Export Control and Nonproliferation."

Department of Energy Personal Property Letter, Issue Number 970-3, Revision 1 (February 3, 1998).

Executive Order 12344 (February 3, 1982), "Naval Nuclear Propulsion Program", 47 Federal Register 4979.

Federal Standard 123 (or FED-STD-123), "Marking for Shipment (Civil Agencies)."

Federal Standard 313 (or FED-STD-313), "Material Safety Data, Transportation Data and Disposal Data for Hazardous Materials Furnished to Government Activities."

International Atomic Energy Agency (IAEA), Information Circular (INFCIRC) 254, Part 1 ("Trigger List") and Part 2 ("Dual-use List").

NFPA 45 (2000), "Standard on Fire Protection for Laboratories Using Chemicals."

Public Law 98-525 (10/19/84), "Department of Defense Authorization Act, 1985"; also called "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1985."

10 CFR 110, Nuclear Regulatory Commission, "Export and Import of Nuclear Equipment and Material."

10 CFR 810, Department of Energy, "Assistance to Foreign Atomic Energy Activities."

15 CFR Subpart C (Parts 730 to 774), Department of Commerce, "Export Administration Regulations" (EAR); in particular, 15CFR734, "Scope of the Export Administration Regulations", 15CFR744, "Control Policy: End-User and End-Use Based", and 15CFR774, "The Commerce Control List."

22 CFR Subchapter M (Parts 120-130), Department of State, "International Traffic in Arms Regulations" (ITAR), and in particular, 22CFR121, "The United States Munitions List."

29 CFR Part 1910, "Occupational Safety and Health Standards."

29 CFR 1910.120, "Hazardous Waste Operations and Emergency Response."

29 CFR 1910.1001, "Asbestos."

29 CFR 1910.1200, "Hazard Communication."

29 CFR 1926.65, (Safety and Health Regulations for Construction) "Hazardous Waste Operations and Emergency Response."

40 CFR 61.156, (National Emission Standards for Hazardous Air Pollutants) "Cross-reference to Other Asbestos Regulations."

40 CFR 261, "Identification and Listing of Hazardous Waste."

40 CFR 273, "Standards for Universal Waste Management"

40 CFR 761, "Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions."

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40 CFR 763, “Asbestos.”

41 CFR 101, “Federal Property Management Regulations” (Parts 101-1 to 101-99); in particular, Subpart H (Parts 42 to 99).

41 CFR Part 101-27, Subpart 27.2, “Management of Shelf-Life Materials.”

41 CFR 102, “Federal Management Regulation (FMR)” (Parts 102-1 to 102-220); in particular, 41 CFR 102-36, “Disposition of Excess Personal Property” *[NOTE: This Part is cross-referenced by 41 CFR 101-43, “Utilization of Personal Property”, which is no longer in print]*, and 41 CFR 102-37, “Donation of Surplus Personal Property” *[NOTE: This Part is cross-referenced by 41 CFR 101-44, “Donation of Personal Property”, which is no longer in print]*.

41 CFR 109, “Department of Energy Property Management Regulations”; in particular, Subpart H (Parts 42 to 50).

49 CFR Parts 171-180 (Subchapter C), “Hazardous Materials Regulations”

APPENDIX A

DISPOSITION OF EXCESS OR SURPLUS CHEMICALS USING FEDS/ EADS: DOE-PMR, FPMR AND FMR REQUIREMENTS

The potential avenues of disposition open to an excess chemical depend on its hazard/risk/value characteristics. Excess precious metals shall be returned to DOE's Precious Metals Pool located in Oak Ridge, Tennessee. As shown in Table A-1, the first step in the typical disposition cycle is to screen excess chemicals for reutilization within the DOE complex through the Energy Asset Disposal System (EADS) for a 15-day period. At the conclusion of internal DOE screening, four categories of High risk property identified as Export controlled property, Proliferation-sensitive property, Especially designed or prepared property, and Nuclear weapon components or weapon-like components¹⁴ shall be dispositioned in accordance with the DOE Personal Property Letter 970-3 and 41CFR109-1.53, with prior review and approval by the OPMO. An Export Restriction Notice signed by the recipient organization shall accompany any resulting property transfers, sales, or other offerings.

Among the remaining six High risk property categories is Hazardous property (as defined in DOE-PPL 970-3 and 41CFR109-1.100-51(a)), which includes hazardous materials as defined in the FPMR (41CFR101). These chemicals may be screened through the Federal Excess Disposal System (FEDS) for a period of 21 days, once the internal DOE screening has concluded in accordance with 41CFR109-42, 41CFR101-42, and 41CFR102-36. Excess chemicals may be transferred to another federal agency using the federal excess screening process in FEDS. The remaining surplus chemicals will become eligible for donation to non-profit donees through surplus screening by the State Agencies for Surplus Property (SASPs). The next step in the disposition process is a sale conducted by the GSA regional office (or by the DOE contractor with approval from GSA) to the public through a competitive bid or auction sale process. The ultimate fate of any remaining surplus chemicals rests with the owning DOE organization, which may elect to put the chemicals back into the disposition cycle or declare them as solid waste (unless they are recyclable under the universal waste provisions) and dispose of them under appropriate EPA, State, and local laws and regulations.

In cases involving excess or surplus chemicals with no market value, when holding a sale is not an economically viable option, abandonment or destruction (see Table A-2) may be permitted, with approval by the authorized DOE property management official. Where feasible, sale to the public as scrap or donation to public bodies (i.e., any public agency, Indian tribe, or agency of the Federal government) is the preferred option in lieu of abandoning or destroying the property. Donation is not an option for chemical products that require destruction for health, safety, or security reasons. A public notice of intent to destroy shall not be issued in such cases.

Any U.S. Munitions List item (MLI) or Commerce Control List item (CCLI) that requires demilitarization is identifiable by an assigned demilitarization code that indicates the type of and scope of demilitarization and/or export controls that must be undertaken before the item could be transferred to a non-DOD entity. For a listing of these codes and additional guidance, refer to "DOD Demilitarization and Trade Security Control Manual", DOD 4160.21-M-1. Only demilitarized property may be offered for public sale or donated to public bodies.

STANDARD FORMS USED IN CHEMICAL DISPOSITION:

Standard Form 120 or SF 120, "Report of Excess Personal Property" – submitted by the holding agency (i.e., DOE) to the GSA at the end of internal DOE screening to report excess chemicals that are available for federal screening. If DOE plans to conduct a sale after donation screening, it should so inform GSA at this time. *[NOTE: Do not report extremely hazardous property on SF 120 unless so directed by a GSA Regional office or GSA Central office. Do not screen within DOE or report to the GSA any Nuclear-related and Proliferation-sensitive property.]*

¹⁴ Nuclear materials and radiological materials fall outside the scope of this chapter.

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Standard Form 122 or SF 122, “Transfer Order Excess Personal Property” – used for the transfer of excess chemicals among Federal agencies, including the DOE. Prepared by the transferee (i.e., receiving agency) and approved by the GSA regional office (responsible for the region where the property is located).

Standard Form 123 or SF 123, “Transfer Order Surplus Personal Property” – used for the donation of surplus chemicals to a non-Federal recipient (e.g., a State agency for Surplus Property (SASP) or Donee). Prepared by the SASP or donee when applicable and submitted to the GSA regional office (responsible for the region where the property is located) for approval.

Standard Form 126 or SF 126, “Report of Personal Property for Sale and Certification” – used for reporting hazardous materials that are not required to be reported on SF 120 for utilization screening, and for which any required donation screening has been completed. Prepared by the owning DOE organization and submitted to the GSA regional office for sale.

TABLE A-1. TYPICAL DISPOSITION OF EXCESS CHEMICALS

DISPOSITION OPTION	DESCRIPTION OF ACTIVITY	ELIGIBLE RECIPIENT	EADS or FEDS	SCREENING PROCESS TIME FRAME	REQUIRED FORMS	REGULATION ¹⁵
1. Unneeded (or Excess) Chemical Reutilization or Redistribution	Internal Screening for transfers within DOE	Any site in DOE Complex	EADS	15 day DOE Reutilization Screening	SF 122 and Approval by DOE for Transfer; SF 120 (Reporting of Excess) for remaining chemicals	41CFR 109-43.304-1.50; 41CFR 109-43.304-1.50(d); 41CFR 109-43.304-1.51; 41CFR 101-42; 41CFR 102-36
EXCESS RELEASE DATE						
2. Excess Chemical Transfer	Excess Screening or Federal Screening	Any Federal agency	FEDS	21 day Federal Excess Screening	SF 122	41CFR 109-43; 41CFR 101-42.207; 41CFR 101-42.1102; FMPR; 41CFR 102-36
SURPLUS RELEASE DATE						
3. Surplus Chemical Donation	Donation to Public agencies through State government (SASP) screeners	State agency or agency-approved organization	FEDS	Surplus Donation Screening	SF 123	41CFR 109-44; 41CFR 109-43.307; 41CFR 101-42.3; 41CFR 101-42.1102; FMPR; 41CFR 102-37
4. Surplus Chemical Sale	Sale to Public by competitive bid sales or auction	Public or private company	FEDS	Sale Process	SF 126	41CFR 109-45.3; 41CFR 101-45; 41CFR 101-42.4; 41CFR 101-42.1102; FMPR; 41CFR 102-37

¹⁵ CFR citations listed in the Regulation column are for illustration purposes only, and are not intended to be all-inclusive.

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TABLE A-2. DISPOSITION OF EXCESS OR SURPLUS CHEMICALS SUBJECT TO ABANDONMENT OR DESTRUCTION

DISPOSITION OPTION	DESCRIPTION OF ACTIVITY	ELIGIBLE RECIPIENT	EADS or FEDS	PROCESS PRIOR TO DISPOSITION	REQUIRED FORMS/ APPROVAL	REGULATION ¹⁶
Sale to the Public or Donation to Public bodies	Option in lieu of abandonment or destruction	Sold to public as scrap or Donated to public bodies	Not applicable	Public notice/ advertisements of intent to destroy or sell	SF 126 to report sale transactions; No Standard Forms to record a donation -- an auditable document suffices	41CFR109-44.7; 41CFR 109-45; 41CFR 102-36; 41CFR 102-37; 41CFR101-42; 41CFR 101-45
Abandonment or Destruction	Applicable to property with “no commercial value” or estimated maintenance and storage costs exceeding potential sale proceeds, or High risk property with health, safety or security concerns	Not applicable	Not applicable	Public notice/ advertisements of intent to destroy or sell prior to actual disposition; Notice may be waived with DOE review and approval; Some property may be converted to scrap or rendered innocuous or unfit for use	Written justification and approval by DOE, pending disposition action; Eye witness certification of destruction	41CFR109-45.9; 41CFR109-1.53; 41CFR101-42.406; 41CFR101-42.1102; 41CFR101-45.309-3; 41CFR102-36.35; 41CFR 102-36.305 through 102-36.330; 41CFR102-36.430; 41CFR102-37.80; 41CFR102-37.570

¹⁶ CFR citations listed in the Regulation column are for illustration purposes only, and are not intended to be all-inclusive.

APPENDIX B

FEDERAL SUPPLY CLASSES AND GROUPS RELATED TO CHEMICALS

Table B-1. List of Federal Supply Classes Composed Predominantly of Hazardous Items

FSC Code	Federal Supply Class (FSC)
6810	Chemicals
6820	Dyes
6830	Gases: Compressed and liquefied
6840	Pest control agents and disinfectants
6850	Miscellaneous chemical specialties
7930	Cleaning and polishing compounds and preparations
8010	Paints, dopes, varnishes, and related products
8030	Preservative and sealing compounds
8040	Adhesives
9110	Fuels, solid
9130	Liquid propellants and fuels, petroleum base
9135	Liquid propellant fuels and oxidizers, chemical base
9140	Fuel oils
9150	Oils and greases: Cutting, lubricating, and hydraulic
9160	Miscellaneous waxes, oils, and fats

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Table B-2. Selective List of Federal Supply Classes and Groups that Contain a Significant Number of Hazardous Items

[NOTE: The following is shown for illustrative purposes; for a complete listing, see 41CFR101-42.1101(c)]

Federal Supply Class/Group	Title	Examples of Hazardous Materials Requiring Identification
1375	Demolition materials	Explosive device.
Group 34	Metalworking machinery.	Equipment containing hazardous hydraulic fluids including PCBs.
3433	Gas welding, heat cutting, and Metalizing equipment.	Compressed gases.
3439	Miscellaneous welding, soldering and brazing supplies and accessories.	Hazardous items such as cleaners, acids, flux and supplies that contain or produce hazardous fumes.
3610	Printing, duplicating, and bookbinding equipment.	Flammable or toxic lithographic solutions.
4240	Safety and rescue equipment	Items which involve oxygen, or compressed gases, or contain emitting charges.
5660	Wallboard, building paper, and thermal insulation materials.	Asbestos cloth which has loose fibers or particles that may become airborne and materials containing formaldehyde.
5910	Capacitors	Items that contain polychlorinated biphenyls (PCBs) or sulfuric acid.
5950	Coils and transformers.	Items containing polychlorinated biphenyls (PCBs).
5970	Electrical insulators and insulating materials.	Items containing flammable solvents.
6135	Batteries, primary.	Lead-acid, lithium and mercury batteries and alkaline (with electrolyte).
6140	Batteries, secondary.	Items that are wet or moist containing corrosive or other hazardous compounds.
6505	Drugs, biologicals and official reagents.	Hazardous items as defined in 40CFR101-42.001.
6508	Medicated cosmetics and Toiletries.	Hazardous items as defined in 40CFR101-42.001.
6640	Laboratory equipment and supplies.	Items containing flammable compounds, mercury, or asbestos.
6685	Pressure, temperature, and humidity and measuring and Controlling instruments.	Items containing mercury or compressed gases.
6750	Photographic supplies.	Items containing hazardous chemicals, solvents, thinners, and cements.
7510	Office supplies	Hazardous items, such as thinners, cleaning fluids, flammable inks, and varnishes.
8510	Perfumes, toilet preparations, and powders.	Shipping containers, pressurized containers with flammable or nonflammable propellants.
8720	Fertilizers.	Items containing weed and pest control or other harmful ingredients or because of their composition, are hazardous.
9390	Miscellaneous fabricated nonmetallic materials.	Items containing flammable solvents or asbestos.

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